

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Randall Smith,	)	C/A No.: 1:14-3515-JMC-SVH
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
John Pate,	)	
	)	
Respondent.	)	
	)	

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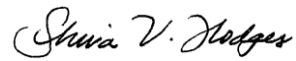
Petitioner, proceeding pro se and in forma pauperis, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed a motion for summary judgment on June 16, 2015. [ECF No. 29]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on June 16, 2015, advising him of the importance of the motion for summary judgment and of the need for him to file an adequate response by July 23, 2015. [ECF No. 31]. Petitioner was specifically advised that if he failed to respond adequately, Respondent's motion may be granted. On July 27, 2015, and August 21, 2015, the undersigned extended Petitioner's deadline, granting him until September 23, 2015, to respond to Respondent's motion. [ECF Nos. 35, 38].

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent's motion for summary judgment by

October 13, 2015. Petitioner is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

September 29, 2015  
Columbia, South Carolina



Shiva V. Hodges  
United States Magistrate Judge